

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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David B. Welliver and Dblaine Capital,  
LLC,

Civ. No. 11-3646 (RHK/SER)

Plaintiffs,

v.

**ORDER**

David D. Jones and Drake Compliance,  
LLC,

Defendants.

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This matter is before the Court on Defendants' Motion to Bifurcate Hearings (Doc. No. 18), seeking an Order bifurcating Defendants' Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(1) and/or to Stay Proceedings from their alternative Motion to Dismiss under Federal Rules of Civil Procedure 9 and 12(b)(6). (See Doc. No. 16.)

Having carefully considered the Motion to Bifurcate, which Plaintiffs have indicated they do not oppose, and based on all the files, records, and proceedings herein, **IT IS ORDERED** that the Motion (Doc. No. 18) is **GRANTED**. Defendants' Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(1) and/or to Stay Proceedings will be heard by the Court as scheduled on May 10, 2012, at 8:00 a.m., and shall be briefed in accordance with the Local Rules of this Court. Defendants' alternative Motion to Dismiss under Federal Rules of Civil Procedure 9 and 12(b)(6) will be heard on a later date, to be determined, in the event the former Motion is denied. As a result of the

foregoing, briefing on the Motion to Dismiss under Federal Rules of Civil Procedure 9 and 12(b)(6) is **STAYED** pending further Order of the Court.

Dated: February 9, 2012

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge